

Message Text

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ORIGIN SMI-01

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SMI/OIP:WDCOERR
EUR/EE:RCHRISTENSEN (INFO)
OES/SCI/SEP:JGSAMPAS
SMI/GEN COUNSEL:JWILSON
L/OES:JCROOK

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O 192102Z MAR 75
FM SECSTATE WASHDC
TO AMEMBASSY BELGRADE IMMEDIATE

UNCLAS STATE 062112

E.O. 11652: N/A

TAGS: OSCI, YO

SUBJECT: SMITHSONIAN/SFCP - R/V PHYKOS

REFERENCE: BELGRADE 0151

1. SMITHSONIAN ASSEMBLING DOCUMENTS REQUESTED BY REFTEL AND CONSIDERING QUESTION OF SPECIAL CLAUSES FOR SALES CONTRACT. IF PROBLEMS DEVELOP, SMITHSONIAN OFFICE GENERAL COUNSEL WILL CONSULT EMBASSY ATTORNEY AS SUGGESTED.

2. EMBASSY REQUESTED TRANSMIT FOLLOWING MESSAGE FROM SMI TO KALOJERA/INKOBROD: (A) REQUEST INKOBROD INFORM SMI BY MARCH 27 WHETHER IT STILL WISHES ACQUIRE PHYKOS. (B) IF INKOBROD FORESEES DIFFICULTIES IN MEETING G.O.Y. REQUIREMENTS, ESTIMATE OF TIME REQUIRED BEFORE INKOBROD ABLE TO CONSUMMATE TRANSFER OF PHYKOS. (C) IF INKOBROD DOES NOT WISH ACQUIRE PHYKOS, SMITHSONIAN REQUESTS IMMEDIATE STATEMENT OF ALL CHARGES OUTSTANDING WITH INKOBROD FOR PHYKOS. (D) U.S. LAW APPEARS TO REQUIRE APPROVAL OF U.S. MARITIME
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ADMINISTRATION BEFORE VESSEL CAN BE TRANSFERRED TO FOREIGN

OWNER. THIS APPROVAL CAN BE OBTAINED BY SMITHSONIAN

QUICKLY BUT CERTAIN INFORMATION IS ESSENTIAL REGARDING PURCHASER (INKOBROD): PLEASE (1) CONFIRM WHETHER INKOBROD IS A CORPORATION OF G.O.Y.; (2) SUPPLY FORMAL NAME AND ADDRESS OF INKOBROD; (3) PROVIDE NAMES OF DIRECTORS AND OFFICERS OF INKOBROD AND STATE WHETHER THEY ARE ALL YUGOSLAV CITIZENS; AND (4) IF INKOBROD OWNS OR OPERATES OTHER VESSELS, PLEASE PROVIDE NAMES OF PRINCIPLE VESSELS AND TYPE OF TRADE AND STATE WHETHER THESE VESSELS ARE OF YUGOSLAV REGISTRY. (E) SMITHSONIAN WILL MAKE SHIP DOCUMENTS AVAILABLE AS SOON AS POSSIBLE TO AMERICAN EMBASSY BELGRADE.

4. FOR EMBASSY: PARA 3 OF REFTTEL REQUESTED ASSURANCES THAT SMI WOULD HOLD EMBASSY AND DEPARTMENT OF STATE HARMLESS IN CONNECTION WITH ACTIONS TAKEN TO DISPOSE OF VESSEL. SMI IS AN AGENCY OF THE USG FOR PURPOSES OF DISPOSAL OF VESSEL, AND LEGALLY HAS NO POWER TO AGREE TO HOLD OTHER USG AGENCIES HARMLESS UNDER THESE CIRCUMSTANCES. SINCE SMI, DOS, AND EMBASSY ALL REPRESENT AGENCIES OF THE USG, EMBASSY CANNOT BE MADE LEGALLY LIABLE TO SMI FOR ITS ACTIONS IN CONNECTION WITH DISPOSAL. WITH REGARD TO POSSIBLE LIABILITY TO THIRD PERSONS, USG AND NOT SMI, DOS OR EMBASSY WOULD BE SUBJECT TO SUCH LIABILITY. SMI FULLY APPRECIATES EMBASSY CONCERN AND ITS RELIANCE ON LOCAL COUNSEL, BUT SINCE SMI, DOS AND EMBASSY ARE ALL USG AGENCIES, AGREEMENT TO HOLD HARMLESS WOULD BE LEGALLY MEANINGLESS. INGERSOLL

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